

**Boardman, Michael**

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**From:** Bill Cash <bcash@levinlaw.com>  
**Sent:** Tuesday, August 27, 2024 4:27 PM  
**To:** Boardman, Michael  
**Cc:** Totino, Edward; Sims, Nancy; Jason Ibey; Brad Silverman (BSilverman@fbfglaw.com); Jean Ralph Fleurmont; Sheldon Eisenberg (seisenberg@sullivantriggs.com); Nairi Shirinian (nshirinian@sullivantriggs.com)  
**Subject:** [EXTERNAL] RE: Gromov v. Belkin - Depositions This Week  
**Attachments:** RE: Gromov's further discovery on Belkin

Mr. Boardman,

I'm copying the *Miley* lawyers as well.

Well. We had been waiting for you to tell us who was available on what date. You wrote: “[I am confirming with the witnesses but that works for us.](#)” I read that as, it was OK with you the lawyers, and you'd get back to us to “confirm with the witnesses.”

We have gone through all of your productions. There still appear to be significant holes in the areas of design materials and communications; marketing info and representations; labeling; and test results.

I previously wrote to you about test results in particular back on August 6. That e-mail has never really been substantively answered. I'm attaching it here. The question is: “where are the documents establishing rated capacity on the *other* 100-some Belkin power banks?” I found results for about 10. That remains an open question. We can confer on it tomorrow if you like, but I think it's a clear question.

One of the things Belkin has not done and that I think would help is to comply with Rule 34:

(E) *Producing the Documents or Electronically Stored Information.* Unless otherwise stipulated or ordered by the court, these procedures apply to producing documents or electronically stored information:

(i) A party must produce documents as they are kept in the usual course of business **or must organize and label them to correspond to the categories in the request;**

Since Belkin's documents are clearly not being produced in the usual course of business, the second part of 34(b)(E)(i) applies and Belkin is required to label its documents to correspond to the RFP numbers so we can tell which documents are meant to go with what request. If you used a document platform, this should be easy. Then it would at least be possible to see what documents *Belkin* thinks contain the test results, for example.

Additionally. On the *Miley* side of the house, there were other documents promised to be produced to us a week or more ago, that also haven't been. We need a full production or as close to it as we can get.

We therefore want to push the depositions out again, use the time to really finish Belkin's full, complete production, and go. However, at some point we are going to have to depose on what we have, and our stipulation says if there are late-produced docs, we can come back for a second round. That would be an incentive to finish the productions.

We are asking for depositions in the week of September 9. I don't care if the dates are consecutive or not, although it would be nice.

**Bill Cash III**

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**From:** Boardman, Michael <Michael.Boardman@bakermckenzie.com>

**Sent:** Tuesday, August 27, 2024 10:14 AM

**To:** Bill Cash <bcash@levinlaw.com>

**Cc:** Totino, Edward <Edward.Totino@bakermckenzie.com>; Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Jason Ibey <jason@kazlg.com>; Brad Silverman (BSilverman@fbfglaw.com) <BSilverman@fbfglaw.com>

**Subject:** Gromov v. Belkin - Depositions This Week

**CAUTION:** This email  
message is **EXTERNAL**.

Bill:

Can you please confirm the location and time for the depositions later this week?

Thank you,  
Michael

**Michael Boardman**

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